

## **REMARKS**

### **Claim Amendments**

Claims 22, 24-31, and 33-42 remain pending and under examination. Applicant has amended claims 22, 24, 31, and 33. The amendments are fully supported by the specification at, for example, p. 5, ll. 32-34, p. 6, ll. 1-4, and p. 16, ll. 16-27, and the originally-filed claims. No new matter has been introduced.

### **Final Office Action**

In the Final Office Action<sup>1</sup> mailed October 4, 2010 (“Office Action”) the Examiner rejected claims 22, 24-31, and 33-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0145982 (“Talpade”) with U.S. Patent Publication No. 2004/0032857 (“Tannan”). Applicant respectfully traverses these rejections.

### **Claim Rejections under 35 U.S.C. § 103**

Applicant requests reconsideration and withdrawal of the rejection of claims 22, 24-31, and 33-42 under 35 U.S.C. § 103(a) as being unpatentable over Talpade in view of Tannan.

The cited references, whether taken alone or in any combination, do not teach or suggest the features recited in amended independent claims 22 and 31. Claim 22, as amended, recites “selectively associating at least one of the plurality of simulated network users with at least one quality of service profile,” and “dynamically varying the services to the at least one simulated network user by setting values of different parameters defining the at least one quality of service profile associated with the at least one simulated network user.” Although different in scope,

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<sup>1</sup> The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Final Office Action.

amended claim 31 recites similar features. The cited references, whether taken alone or in any combination, do not teach or suggest the above features recited in amended claim 22, and similarly recited in amended claim 31.

In contrast to the recitation of “selectively associating at least one of the plurality of simulated **network users with at least one quality of service profile**,” and “dynamically varying the services to the at least one simulated network user by setting values of different parameters **defining the at least one quality of service profile associated with the at least one simulated network user**” in claim 22 (emphases added) (and similarly in claim 31), Talpade discloses associating a quality of service with a particular class of service. *See Talpade*, Abstract.

Talpade discloses a method by which an internet service provider (ISP) may simulate and provision a network to support different types of services. *See Talpade*, Abstract. Because an acceptable level of quality of service (QoS) may vary between different types of service, such as voice and data, Talpade’s method identifies the type of traffic and the QoS criteria associated with the identified traffic class. *See Talpade*, ¶¶ [0005], [0007]. In other words, according to Talpade’s method, the QoS criteria corresponds to a particular traffic class. For example, Talpade discloses parameters used to perform the simulation include traffic class and a respective source model, network topology information, and QoS criteria concerning a particular application. *See Talpade*, ¶ [0010]. Thus, Talpade does not teach or suggest the above-quoted features of claim 22 (or claim 31).

Tannan fails to cure the deficiencies of Talpade, because Tannan also fails to teach or suggest at least the claimed “selectively associating at least one of the plurality of simulated network users with at least one quality of service profile,” and “dynamically varying the services

to the at least one simulated network user by setting values of different parameters defining the at least one quality of service profile associated with the at least one simulated network user,” as recited in claim 22, and similarly recited in claim 31.

Instead, Tannan discloses “[m]ethods, apparatus, and systems are provided to simulate a network carrying a heterogeneous mix of traffic in order to assess the performance of the network.” Tannan, Abstract. Specifically, Tannan’s methods concern simulating a network carrying both packet and switch-based traffic. See Tannan, ¶ [0006]. Like Talpade’s simulation parameters, Tannan’s parameters do not consider a QoS associated with a simulated network user. Instead, Tannan’s simulation parameters include, for example, the location of the cell, transmitter height, total number of base station channels, and the total number of channels reserved for packet-switched traffic. See Tannan, ¶¶ [0026]-[0027]. Tannan therefore fails to teach or suggest at least the above-quoted features of amended independent claims 22 and 31.

Thus, Tannan fails to cure the deficiencies of Talpade. Accordingly, amended independent claims 22 and 31 are nonobvious over Talpade and Tannan, and should be allowable. Dependent claims 24-30 and 33-42, should also be allowable at least by virtue of their dependence from one of base claims 22 and 31, and because they recite additional features not taught or suggested by the cited references. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection.

### **Conclusion**

Applicant respectfully requests reconsideration of this application and withdrawal of the rejection. Pending claims 22, 24-31, and 33-42 are in condition for allowance, and Applicant requests a favorable action.

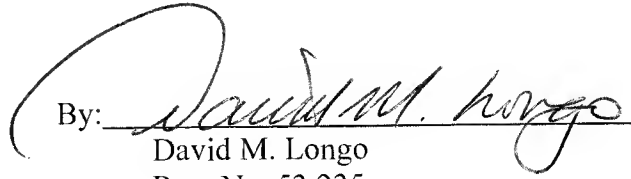
If there are any remaining issues or misunderstandings, Applicant requests that the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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